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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/857,084	05/31/2001	Jurgen Niessen	089339-0365	9132
26371	7590	02/07/2006	EXAMINER	
FOLEY & LARDNER LLP 777 EAST WISCONSIN AVENUE SUITE 3800 MILWAUKEE, WI 53202-5308			CORRIELUS, JEAN M	
			ART UNIT	PAPER NUMBER
			2162	

DATE MAILED: 02/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/857,084	Applicant(s) NIESSEN ET AL.	
	Examiner Jean M. Corrielus	Art Unit 2162	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 November 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3,6,11 and 12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 3,6,11 and 12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This office action is in response to the amendment filed on November 18, 2005, in which claims 3, 6 and 11-12 are presented for further examination.

Response to Arguments

2. Applicant's arguments with respect to claims 3, 6 and 22-12 have been considered but are moot in view of the new ground(s) of rejection necessitated by amendment.

Claim Objections

3. Claims 3 and 6 are objected to because of the following informalities: claim 3, recites "a mapped", respectively in lines 7 and 11. It is not clear whether "a mapped" in line 7 is different as "a mapped" in line 11. It is also unclear as to whether such "a mapped" in lines 9 and 11 refers to the step of mapping components of the computer system in line 3. Finally, claim 3 recites "a system function", respectively in lines 2 and 14. It is not clear, as whether there is a distinction between "a system function" in line 2 and "a system function" in line 14. Appropriate correction is required.

Claim 6 is objected under the same basis.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 3, 6 and 11-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 3 and 6 recite “its respective”, in lines 11 and 7 respectively. Pronouns are not permitted, only what is being referred by “its” should be set forth in the claim. Applicants are advised to amend the claim so solve the 112 rejection set forth in the claim.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 3, 6, 11 and 12 are rejected under 35 U.S.C. 102(e) as being anticipated by Wookey et al., (hereinafter “Wookey”) US Patent no. 6,237,114.

As to claim 3, Wookey discloses a system for providing assistance in evaluating monitored computer systems by providing both textual resolution information describing the problem as well as component information that relates to the particular problem, wherein the component information includes the various hardware, software and operating conditions found in the

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monitored computer system. In particular, Wookey discloses the claimed “mapping components of the computer system in a database of the computer system” creating a representation of the monitored system by building the component information into a system hierarchy based on a static hierarchy tree definition, wherein the extracted component information in the monitored system is mapped onto the static tree to create the system representation for the monitored system (col.5, lines 25-41); “defining in the database for at least one system function which and how many components of the computer system are necessary at least to maintain the system function”(col.11, lines 30-48, lines 55-60; “recording for a mapped component whether said component is necessary for the one or more system function, and if so, for which system function the computer system function that are watched for availability”(col.9, lines 44-58; col.15, lines 8-26; col.16, lines 6-32); “maintaining for a mapped component “(col.9, lines 44-58); and “using, when a change in the state of the mapped component of said computer system has taken place or intended, the recorded data to access whether the availability of a system function supported by said component has changed or would change”(col.11, lines 42-66; col.13, lines 24-33).

As to claim 6, Wookey discloses a system for providing assistance in evaluating monitored computer systems by providing both textual resolution information describing the problem as well as component information that relates to the particular problem, wherein the component information includes the various hardware, software and operating conditions found in the monitored computer system. In particular, Wookey discloses the claimed “mapping components of the computer system in a database of the computer system” creating a representation of the monitored system by building the component information into a system hierarchy based on a

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static hierarchy tree definition, wherein the extracted component information in the monitored system is mapped onto the static tree to create the system representation for the monitored system (col.5, lines 25-41); “defining in the database for at least one system function which and how many components of the computer system are necessary at least to maintain the system function”(col.11, lines 30-48, lines 55-60; “recording for a mapped component whether said component is necessary for the one or more system function, and if so, for which system function the computer system function that are watched for availability”(col.9, lines 44-58; col.15, lines 8-26; col.16, lines 6-32); “maintaining for a mapped component “(col.9, lines 44-58); and “using, when a change in the state of the mapped component of said computer system has taken place or intended, the recorded data to access whether the availability of a system function supported by said component has changed or would change”(col.11, lines 42-66; col.13, lines 24-33).

As to claim 11 and 12, discloses the claimed “recording for each mapped component the instant at which said component is necessary”(col.9, lines 44-58; col.15, lines 8-26; col.16, lines 6-32).

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after

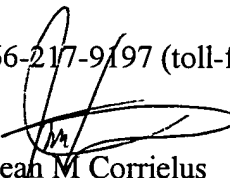
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the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean M. Corrielus whose telephone number is (571) 272-4032. The examiner can normally be reached on 10 hours shift.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene can be reached on (571) 272-4107. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jean M Corrielus
Primary Examiner
Art Unit 2162

January 29, 2006